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8 Attorney for Plaintiff
9 SERENA ANNE SHIMP

10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 SERENA ANNE SHIMP,

14 Plaintiff,

15 v.

16 KILOLO KIJAKAZI, Acting
17 Commissioner of Social Security,

18 Defendant.

Case No. 2:21-cv-02152-CKD

19 **STIPULATION FOR THE AWARD**
20 **AND PAYMENT OF ATTORNEY**
21 **FEES AND EXPENSES PURSUANT**
22 **TO THE EQUAL ACCESS TO**
23 **JUSTICE ACT; ORDER**

24 IT IS HEREBY STIPULATED by and between the parties through their
25 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded
26 attorney fees and expenses in the amount of \$6,800.00, under the Equal Access to
27 Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C § 1920. This
28 amount represents compensation for all legal services rendered on behalf of Plaintiff by
counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920,
2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will
consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to
Astrue v. Ratliff, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability

1 to honor the assignment will depend on whether the fees are subject to any offset
2 allowed under the United States Department of the Treasury's Offset Program. After
3 the order for EAJA fees is entered, the government will determine whether they are
4 subject to any offset.

5 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
6 determines that Plaintiff does not owe a federal debt, then the government shall cause
7 the payment of fees and expenses to be made directly to Plaintiff's counsel, Francesco
8 Benavides, pursuant to the assignment executed by Plaintiff.

9 This stipulation constitutes a compromise settlement of Plaintiff's request for
10 EAJA attorney fees and does not constitute an admission of liability on the part of
11 Defendant under the EAJA or otherwise. Payment of the agreed amount shall
12 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or
13 Francesco Benavides, including Law Offices of Francesco Benavides, may have
14 relating to EAJA attorney fees in connection with this action.

15 This award is without prejudice to the rights of Francesco Benavides to seek
16 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings
17 clause provisions of the EAJA.

18
19 Respectfully submitted,

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21 Dated: April 21, 2022

Law Offices of Francesco Benavides

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23 By: /s/ Francesco Benavides
24 FRANCESCO P. BENAVIDES
25 Attorney for Plaintiff

26 Dated: April 21, 2022

STEPHANIE HINDS
United States Attorney
PETER K. THOMPSON

Acting Regional Chief Counsel, Region IX
Social Security Administration

By: Mary Tsai*

MARY TSAI

Special Assistant U.S. Attorney

Attorneys for Defendant

(*Permission to use electronic signature
obtained via email on April 21, 2022).

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses, **IT IS ORDERED** that fees and expenses in the amount of \$6,800.00 as authorized by 28 U.S.C. § 2412 be awarded subject to the terms of the Stipulation.

Dated: April 25, 2022



CAROLYN K. DELANEY

UNITED STATES MAGISTRATE JUDGE